

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ROTHSCHILD PATENT
IMAGING LLC,**

Plaintiff,

vs.

MEDIAFIRE, LLC,

Defendant.

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Case No: 4:22-cv-01046

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Rothschild Patent Imaging LLC (“Plaintiff” and/or “RPI”) files this original Complaint against MediaFire, LLC (“Defendant” and/or “MediaFire”) for infringement of United States Patent No. 8,437,797 (“the ‘797 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company having an address at 1 East Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

4. On information and belief, Defendant is a Texas limited liability company with a place of business at 6606 FM 1488 Rd, STE 148-322 Magnolia, TX 77354-2544. On information and belief, Defendant may be served through its registered agent, Derek Labian, 4200 Research

Forest Dr., STE 270, The Woodlands, TX 77381.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 8,437,797)**

8. Paragraphs 1-7 are incorporated herein.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, et seq.

10. Plaintiff is the owner by assignment of the '797 Patent with sole rights to enforce the '797 patent and sue infringers.

11. A copy of the '797 Patent, titled "Wireless Image Distribution System and Method," is attached hereto as Exhibit A.

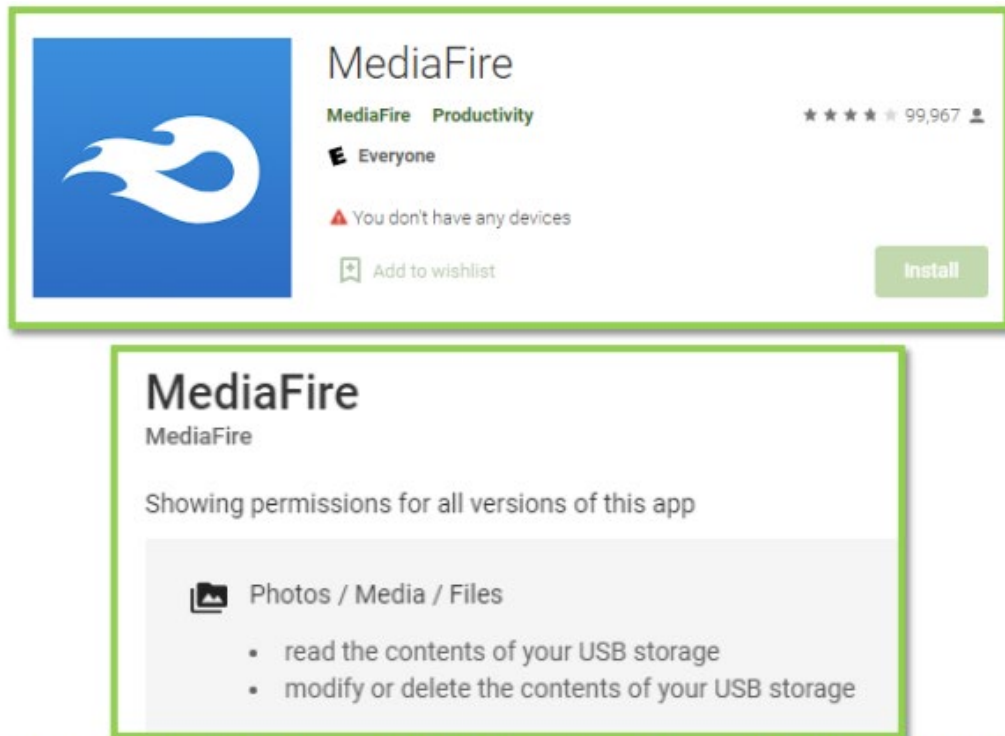
12. The '797 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims (at least by having its employees, or someone under Defendant's control, test the

accused product), including at least Claim 16 of the ‘797 Patent by making, using, importing, selling, and/or offering for sale network storage systems including hardware, software and firmware, covered by at least Claim 16 of the ‘797 Patent.

14. On information and belief, Defendant sells, offers to sell, and/or uses network storage systems and methods including, without limitation, the MediaFire photo, media, and file storage and sharing system, the MediaFire App, and any similar products (“Product”), which infringe at least Claim 16 of the ‘797 Patent.

15. The Product uses an image capturing device to perform a method. The Product receives and filters photographic images from cameras. The Product also shares the images according to certain conditions. Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.



Source: https://play.google.com/store/apps/details?id=com.mediafire.android&hl=en_IN&gl=US

MediaFire makes many things easy for you, including working with your pictures. With our image gallery, you can always go through all of your pictures in an eye-friendly size without having to download them first.

There is more than one way to create a gallery. The easiest one is to simply left click on the image file on your “My Files” page, and you will be immediately taken to an image gallery of all the pictures in that folder.

To create a gallery of a few specific images, just select the pictures you want to include in the gallery on your “My Files” page, then right click and select “View Selected”. The images of your choice will appear in the gallery in a new tab or a new window.

Source: <http://blog.mediafire.com/2013/01/working-with-pictures-on-mediafire/>

16. The Product practices receiving a plurality of images. For example, the Product provides for receiving multiple photos from a user device and receiving the photos in a photo library. The Product’s app can access captured images (e.g., images stored on a smartphone) and allow a user to transfer the images to other users. Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.

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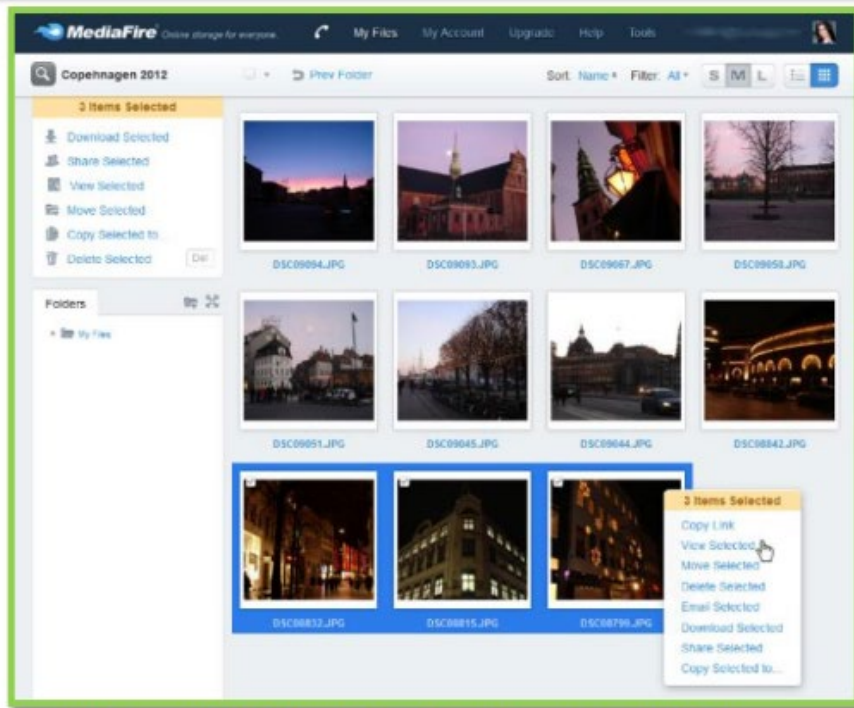
To create a gallery of a few specific images, just select the pictures you want to include in the gallery on your "My Files" page, then right click and select "View Selected". The images of your choice will appear in the gallery in a new tab or a new window.

Source: <http://blog.mediafire.com/2013/01/working-with-pictures-on-mediafire/>

Securely store, organize, and share all your media through your Android phone or tablet. MediaFire keeps all your photos, videos, reading material, work docs, spreadsheets, presentations, and even your homework in your pocket, ready for you to view or share anytime. All your files will always be safe in your MediaFire account - no matter what happens to your Android device.

Source: https://play.google.com/store/apps/details?id=com.mediafire.android&hl=en_IN&gl=US

Gallery mode shows all of the pictures from the folder of your selection as thumbnails (you can choose between a small, medium, or a large size). From there you can left click of any image and it will be opened in the default Film Strip mode.



Source: <http://blog.mediafire.com/2013/01/working-with-pictures-on-mediafire/>

17. The Product practices filtering the plurality of photographic images (e.g., sorting the photos) using a transfer criteria (e.g., users select the images they wish to share, etc.). Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.

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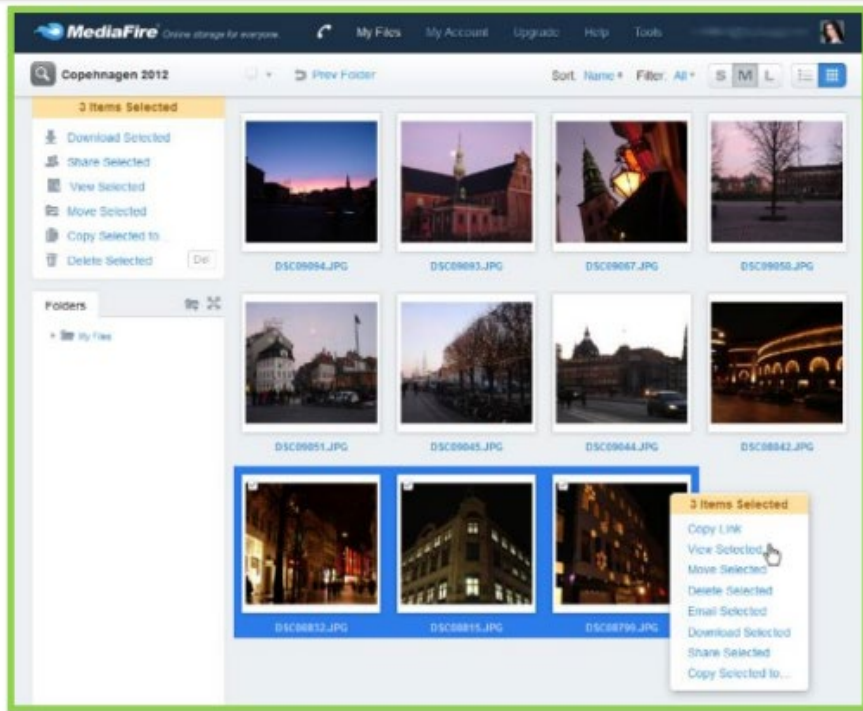
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Source: <http://blog.mediafire.com/2013/01/working-with-pictures-on-mediafire/>

18. The Product practices transmitting, via a wireless transmitter and to a second image capturing device, the filtered plurality of photographic images. For example, files of filtered photos can be shared with other mobile devices. The Product enables a user to search, download, and share photos to a second image capturing device (e.g., another mobile device or a computer). Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.

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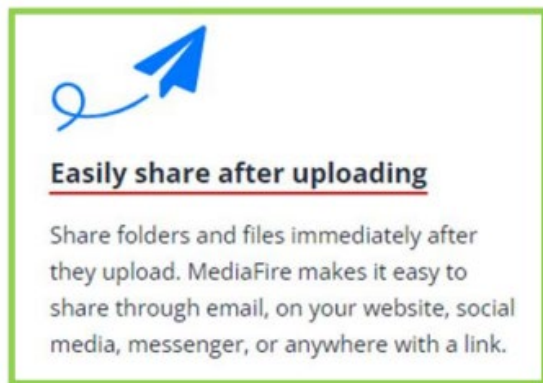
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Source: https://play.google.com/store/apps/details?id=com.mediafire.android&hl=en_IN&gl=US

19. When using the Product to share photos with a group (e.g., social media group or private group), the image capturing device and the second mobile device are disposed in a selectively paired relationship with one another based upon an affinity group associated with the second mobile device (e.g., the users of both devices belong to the same social media group and may send images to each other as well as other users). Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.



Source: <https://www.mediafire.com/>

Securely store, organize, and share all your media through your Android phone or tablet. MediaFire keeps all your photos, videos, reading material, work docs, spreadsheets, presentations, and even your homework in your pocket, ready for you to view or share anytime. All your files will always be safe in your MediaFire account - no matter what happens to your Android device.

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20. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

JURY DEMAND

23. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order Enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,437,797 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: March 31, 2022.

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

State Bar No. 24067322

D. BRADLEY KIZZIA

State Bar No. 11547550

KIZZIA JOHNSON, PLLC

1910 Pacific Ave., Suite 13000

Dallas, Texas 75201

(214) 451-0164

Fax: (214) 451-0165

jay@kpllc.com

bkizzia@kpllc.com

ATTORNEYS FOR PLAINTIFF